

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

JEROME BELL, JAMES SHEPPARD,
MARTEZE HARRIS, DOMONIC
BUTLER, MICHAEL DAVIS, RICKY
LAMBERT, JARMALE WALKER, et al.

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 3:15-cv-732-TSL-RHW

THE CITY OF JACKSON, MISSISSIPPI

DEFENDANT

PROFESSIONAL BAIL AGENTS ASSOCIATION
OF MISSISSIPPI, INC., d/b/a MISSISSIPPI
BAIL AGENTS ASSOCIATION

INTERVENOR

**MOTION TO ALTER OR AMEND FINAL JUDGMENT, OR IN THE
ALTERNATIVE, FOR RELIEF FROM FINAL JUDGMENT**

COMES NOW, the Intervenor, Professional Bail Agents Association of Mississippi, Inc., d/b/a Mississippi Bail Agents Association (“MBAA”), by and through its counsel, Smith & Holder, PLLC, and respectfully moves this Court to alter or amend its Final Judgment, entered on June 20, 2016 [Doc. 14], under the authority granted to it by FED. R. CIV. P. 59(e), or in the alternative to grant MBAA relief from the Court’s Final Judgment, pursuant to FED. R. CIV. P. 60(b). Specifically, MBAA requests that this Court amend the Final Judgment and the Agreement to Settle Claims for Declaratory and Injunctive Relief (“Settlement Agreement”) attached to the Final Judgment as Exhibit “1”

**EXHIBIT
A**

or grant MBAA relief from same by finding the Paragraph beginning “NOW, THEREFORE, THE CITY . . .” and Paragraphs 1, 34, 35, 36, 37, 38, 39, and 40, and/or any other paragraphs or provisions negating or restricting the use of secured monetary bail in the Jackson Municipal Court are void, and/or are otherwise invalid, illegal, and unenforceable in that those provisions and/or paragraphs violate federal and state constitutional law and state statutory law. The arguments and authority in support of this Motion are set forth in *Memorandum Brief in Support of Motion to Alter or Amend Final Judgment, or in the Alternative, for Relief from Final Judgment* being filed contemporaneously herewith as a separate docket entry pursuant to L.U.Civ.R. 7(b)(4).

WHEREFORE, PREMISES CONSIDERED, Intervenor, MBAA, respectfully moves the Court to alter or amend its Final Judgment and the Settlement Agreement attached thereto as Exhibit “1,” or grant MBAA relief from the Court’s Final Judgment and the Settlement Agreement, because the provisions of the Settlement Agreement negating or restricting the use of secured monetary bail in the Jackson Municipal Court are void in that they violate federal and state constitutional law and state statutory law. MBAA prays for such further relief to which it may be entitled either general or special.

Respectfully submitted, this the ____ day of _____, 2016.

**PROFESSIONAL BAIL AGENTS ASSOCIATION
OF MISSISSIPPI, INC. d/b/a MISSISSIPPI BAIL
AGENTS ASSOCIATION**

SMITH & HOLDER, PLLC

BY: /s/ CHRISTOPHER SMITH, MSB# 104366

CERTIFICATE OF SERVICE

I, Christopher Smith, of the law firm of Smith & Holder, PLLC, hereby certify that I have this dated filed the foregoing *Motion to Alter or Amend Final Judgment, or in the Alternative, for Relief from Final Judgment* with the Clerk of Court using the ECF system which sent notification of such filing to all participating counsel of record.

SO CERTIFIED, this the ____ day of _____, 2016.

/s/ CHRISTOPHER SMITH, MSB# 104366

CHRISTOPHER SMITH, MSB# 104366
G. MORGAN HOLDER, MSB# 104131
SMITH & HOLDER, PLLC
Post Office Box 1149
Gulfport, MS 39502
228-206-7076 (Telephone)
228-284-1870 (Facsimile)
chris@smithholder.com
morgan@smithholder.com